

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHERRY LYNN KREITZ,	:	CIVIL ACTION NO. 3:16-CV-2406
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 28th day of August, 2018, upon consideration of the report (Doc. 20) of Chief Magistrate Judge Susan E. Schwab, recommending that the court deny the appeal of Sherry Lynn Kreitz (“Kreitz”) from the decision of the administrative law judge denying Kreitz’s application for a period of disability, disability insurance benefits, and supplemental security income, and the court noting that Kreitz filed an objection (Doc. 21) to the report, see FED. R. CIV. P. 72(b), and following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Schwab that the ALJ’s decision “is supported by substantial evidence,” 42 U.S.C. § 405(g);

¹ Due to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, former acting Commissioner of Social Security Nancy A. Berryhill is currently presiding as the Deputy Commissioner for Operations of the Social Security Administration. For consistency purposes, however, we continue to refer to Ms. Berryhill as “the Commissioner.”

Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Schwab's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Kreitz's objections to be without merit and squarely addressed by Judge Schwab's report and recommendation, it is hereby ORDERED that:

1. The report (Doc. 20) of Chief Magistrate Judge Schwab is ADOPTED.
2. The Commissioner's decision denying Kreitz's application for a period of disability, disability insurance benefits, and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Kreitz as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania